

Filed by

Michael P. Tierney
Administrative Patent Judge
Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Paper 44

Filed: April 4, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BRUCE C. GOMES, GARRETT M. KASOF
and JUDITH C. PROSSER,
Junior Party
(U.S. Patent No. 6,267,956),

v.

YING LUO, BETTY HUANG,
MARY SHEN and PEIWEN YU,
Senior Party
(U.S. Patent Application No. 09/762,491).

Patent Interference No. 105,360 (MPT)
(Technology Center 1600)

FAXED

APR 04 2006

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

JUDGMENT - Bd. R. 127

Before: SCHAFER, TIERNEY, and MOORE, Administrative Patent Judges.

TIERNEY, Administrative Patent Judge.

Judgment is entered against Junior Party Gomes. Junior Party Gomes failed to timely file a priority statement as required by the rules. An Order to Show Cause was sent on March 23, 2006 requesting that Gomes show cause why judgment on priority of invention should not be

entered against it. (Paper No. 42). Gomes has filed a paper stating that it will not show cause. (Paper No. 43).

It is:

ORDERED that Junior Party Gomes has failed to provide a showing that it is entitled to priority of invention as against Senior Party Luo for the subject matter of Count 1, the sole count in interference.

FURTHER ORDERED that judgment on priority is entered against Junior Party Gomes on Count 1.

FURTHER ORDERED that Junior Party Gomes is not entitled to a patent containing claims 1-5, all of which correspond to Count 1, of its involved U.S. Patent No. 6,267,956.

FURTHER ORDERED that a copy of this paper shall be made of record in the files of U.S. Application No. 09/762,491 and U.S. Patent No. 6,267,956.

FURTHER ORDERED that the parties attention is directed to the settlement agreement provisions in 35 U.S.C. §135(c) and 37 C.F.R. §41.205.

| | | |
|--------------------------------|---|-----------------|
| <u>/ss/ Michael P. Tierney</u> |) | BOARD OF PATENT |
| MICHAEL P. TIERNEY |) | APPEALS AND |
| Administrative Patent Judge |) | INTERFERENCES |

cc (via Facsimile):

Counsel for GOMES:

James F. Haley, Jr., Esq.
1251 Avenue of the Americas
New York, New York 10020

Fax: 212-596-9090

Counsel for LUO:

Steven W. Parmelee, Esq.
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

Fax: 415-576-0300

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